**IN THE HIGH COURT OF JUDICATURE AT BOMBAY**

**CRIMINAL APPELLATE JURISDICTION.**

**CRIMINAL APPLICATION NO.87 OF 2006**

Suresh Gopinath Mhatre & Anr. : Applicants.

versus

The State of Maharashtra : Respondent.

Mr.A.P.Mundergi with Mr.Amol Patankar for the applicants.

Mr.Rajesh More, APP, for the State/respodnent.

**CORAM : V.M.KANADE, J.**

**DATED : 13th January 2006.**

**ORAL ORDER**

1. Heard learned counsel appearing on behalf of the applicants and learned APP appearing on behalf of the State/respondent.

2. This is an application for anticipatory bail filed by the applicants as they have apprehension that they are likely to be arrested

in connection with an offence which is registered at Shanti Nagar Police Station, Tal.Bhiwandi, Dist.Thane vide C.R.No.282/2005 for the offences punishable under sections 326, 341 r/w 34 of the Indian Penal Code. It is alleged in the complaint that the brother of the complainant was assaulted by four unknown persons at 8.30 p.m. with stick and iron rod on his hands, legs and head and, as a result of the said assault he received injuries on his leg and his leg was fractured due to the said assault. The learned Counsel appearing for the applicants has submitted that the applicants and the victim belongs to same political party and all of them are well acquainted with each other. He invites my attention to the complaint which is filed by Mahadev Anant Mhatre - the brother of victim, who has stated that four unknown persons had assaulted his brother. From the order of the Sessions Court, which rejected the application for anticipatory bail, it can be seen that the victim himself has stated that he could not see the faces of assailants and he presumed that they could be his prime rivals i.e. the present applicants. Thereafter it appears that the statements of eye witnesses have been recorded.

3. The learned APP appearing for the State/respondent vehemently opposed this application and submitted that custodial interrogation of the applicants is necessary for the purpose of recovery of weapons and for completing the investigation.

4. From the record it appears that neither the complainant nor the victim had any occasion to identify the assailants. Ordinarily if the people are well acquainted with each other, even in the absence of clear light, they can be identified due to the prior acquaintance. In the present case, admittedly, the victim has not been in a position to identify the assailants. Further admittedly, there is a political rivalry between the applicants and the victim and, they were not in good terms after the Grampanchayat elections which were held prior to the date of incident. In view of the matter, in my opinion, this is a fit case for grant of anticipatory bail on condition that the applicants to report to the Shanti Nagar Police Station, Bhiwandi for a period of ten days from 11.00 a.m. to 5.00 p.m.

and the Investigating Officer to investigate and interrogate the applicants during this period. Further the applicants shall co-operate police and shall report to the police station as and when they are called. In the result, in the event of arrest of the applicants in connection with C.R.No.282/2005, registered by Shanti Nagar Police Station, Tal.Bhiwandi, Dist.Thane, they shall be released on bail in the sum of Rs.5,000/- with one or two sureties in the like amount. The application is allowed in the above terms.

**[V.M.KANADE,J]**